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THE DEPARTMENT OF CORRECTION

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Commissioner of the Department of Correction

History

IN various forms the functions of a department of correction have been exercised since the earliest settlement of Manhattan Island. Sutton, in his history of The Tombs, points out that jails, penitentiaries, bridewells and houses of correction existed in New York a century and a half before the state, and were organized and reorganized in the most ancient charters. The first building used for a jail in the city of New York was built in 1642. The first house of correction, called a bridewell, in 1734, and the penitentiary, located first at Bellevue, date as far back as 1816. The Tombs, so called from its resemblance to an ancient Egyptian tomb, was ready for occupancy in 1838. The necessity for separating juvenile offenders from hardened criminals was recognized and the House of Refuge was the outcome. This was opened in 1825, and in 1851 was transferred to its present site on Randall's Island.

I have not been able to trace in detail the succession of officials who, under various names, have controlled the correctional institutions of the city, but as far back as 1841 there was a commissioner of the almshouse who had charge of both charitable and correctional institutions. Early in 1849, the New York state legislature passed an act establishing a board of governors to have charge of the correctional and charitable institutions of the city. They were ten in number and were known as the governors of the almshouse. In the same year the workhouse was established by an act of the legislature. The report issued by the board of governors of the workhouse appeared in 1850, and covered the activities of the preceding year. This board controlled such diverse institutions as the almshouse, Bellevue Hospital, hospitals on Blackwell's Island, the city prison, children at nurse, the colored home, the colored orphan asylum, the lunatic asylum, the penitentiary, the penitentiary hospital, Randall's Island and the workhouse. They also had charge of the department of outdoor poor. They appointed the heads of each institution, but these heads

appointed their own subordinates and were responsible for their good conduct.

At this time, the penitentiary received those committed from the courts for the more serious offenses. The workhouse was originally designed to meet the need of compelling to work those able-bodied persons who were seeking refuge as vagrants in the almshouse, and the first inmates of the workhouse were received not directly from the courts but by transfer from the almshouse.

In reading the reports of the board of governors for the early years, one might almost be reading from reports written at the present time. In discussing both penitentiary and workhouse, there is complaint of overcrowding of the institutions, of lack of classification, of the danger of putting together hardened criminals and first offenders, of the greater difficulty in controlling and reforming women, of the need of supplying a greater amount of labor, and an interesting discussion of the desirability of payment of wages to those employed in productive labor. As far back as 1850, the experiment was tried in the workhouse of paying for labor in accordance with a sliding scale ranging from thirty-seven and a half cents to sixty cents per day. In 1851 the rate schedule was reduced fifteen cents *per diem* in order to discourage repeaters. Apparently the experiment did not work out satisfactorily. It is noted that men who have accumulated through industry a sum of money are apt to go out and squander it and then seek re-commitment in order to replenish their purses. After a few years, the experiment was apparently given up, for in later reports no mention is made of payment to prisoners.

I have not been able to find complete files of the annual reports, but for the ten years preceding the Civil War there is frequent mention of the fight made by correctional officials against venereal disease, particularly among women. What amounts to a recommendation for an indeterminate sentence in the case of those so afflicted is put forward, but I cannot find that it was ever acted on. The charge is made in this connection that women of the street commit themselves to get cured of a venereal disease, and that when cured their companions in guilt apply for writs of habeas corpus. In 1851, 359 women were discharged in this way. For several successive years, the abuses of the writ of habeas

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corpus are cited in the reports. In 1853, Dr. Sanger was appointed physician to the hospital on Blackwell's Island, and it is interesting that his history of prostitution is, so far as I know, the first history on this subject in the English language.

Apparently contract labor in both workhouse and penitentiary was in vogue in the later fifties. In 1861, the workhouse report mentions the fact that two contracts in the workhouse, one for hoop skirts and the other for military caps, bring in great revenues—the total receipts for contracts for the year amounting to \$8,542.92!

In 1860, the New York state legislature passed an act creating in the city and county of New York the department of charities and correction and abolishing the board of governors of the almshouse. Four commissioners were appointed for terms of five years. The reports of the commissioners during the Civil War are brief. The attention of the citizens was naturally directed to the great conflict and interest in matters of crime diminished. The great falling off of the number of inmates in all the correctional institutions is noted, but reports state that the number of women committed increased. During the latter years of the Civil War, men who violated laws were frequently given the option of commitment to penal institutions or enlistment, and many of them chose the latter. I have the word of a distinguished citizen of New York, who at the age of nineteen was an army officer, to the effect that the men of this class who lived and served for at least a year became a most efficient fighting force.

In the reports of 1864 and 1865 quite severe criticism is made of the system of prison discipline. The penitentiary is called a "school of vice," and penitentiary methods are termed "unwise and inefficient treatment." In 1866 an appeal to the public is made to deal with causes rather than with effects and attention is called to the defective education of the children of the city, and the growth of the dependent and delinquent classes. In 1870 the local government of New York city was reorganized and the number of commissioners of charities and correction was changed from four to five, but in 1875 the number of commissioners had been reduced to three.

During the period between 1870 and 1896, at which latter date the department of correction was separated from the department

of charities, many improvements were made in the various institutions: district prisons were rebuilt and added to; the shops were increased in number; the overflow from workhouse and penitentiary was taken care of on Hart's Island and later on Riker's Island; classification was carried out to the extent of establishing a reformatory school in 1902 for the workhouse boys under twenty-one years of age; salaries were increased, and a greater number of women were employed to look after the women prisoners; added cell accommodations were built at the penitentiary. But with all these improvements, there is still the complaint of overcrowding, lack of industrial employment, and ineffective results. Back in the sixties, grand-jury investigations reported adversely on the crowded conditions, particularly in the city prison. On the completion of the new city prison at Center and Franklin streets in 1903, it was supposed that provision was made for some time to come for the group of prisoners quartered here, but this belief was ill-founded. In a very few years, the complaint of overcrowding begins again. With the adoption of the constitution of 1894 contract work, which had given occupation and furnished a source of revenue to the city, was abolished. The "state use" system was introduced and the labor of prisoners in the city institutions had to be employed in the manufacture of articles which could be utilized in other institutions or in municipal departments or in construction work for the city.

I can find no printed reports for the department of correction for the period between 1893 and 1902. In 1902 the department of correction was under one commissioner. In 1905 the state legislature passed an act providing for the sale of land of Kings County penitentiary and the removal of the inmates to a penitentiary to be established at Riker's Island under the jurisdiction of the department of correction. This plan was never carried out in its entirety. An appropriation of \$2,000,000 was made for a penitentiary that was to cost \$4,000,000 when completed. Plans for a great congregate building were prepared at a cost of \$80,000. They were never executed and the appropriation was afterward rescinded. The penitentiary prisoners from Kings County were removed to the Blackwell's Island penitentiary without a suitable increase in accommodations. In 1905 the New York city reforma-

tory was established by an act of the legislature, and in 1910 two new buildings for the use of the reformatory inmates were completed. Buildings belonging to the hospital for the insane, once located there, completed the plant. Provision was made in this manner for 250 inmates. More than twice that number are now housed in the reformatory with no increased accommodations. In 1912 the Queens County jail came under the jurisdiction of the department of correction.

Private citizens and private organizations have taken an active but varying interest in the work of the department. The American Female Guardian Society began work in the penal institutions of the city between 1840 and 1846, and were responsible for securing from the city officials the appointment of women to look after the women prisoners. The prison association, organized in 1844, began at this time its supervision of the conditions of the institutions. The interest and work of the latter organization continue to the present time, and for the city institutions other than the city reformatory it performs a service similar to that rendered by the state board of charities to the reformatory and to public and private correctional institutions of the state at large.

So far as I can gather from the material at my command, it would appear that previous to the Civil War the authorities and the people of the city were wide awake and alive to the necessities of changing conditions if prisons were to be anything more than places of punishment. The great Civil War withdrew the attention of the public from these problems and at its close the growth of the city, the beginnings of the problems of immigration, and above all the unfortunate part played by party politics in the management of city affairs, seem to have halted the proper development of our penal institutions. The same topics are touched upon year after year; the same complaints made. Apparently, however, the city has never been able to catch up with its correctional problem, still less to solve it.

Present Organization

Today the department of correction exercises supervision over all the penal institutions of the boroughs of Manhattan, Kings and Queens. The institutions are grouped into three classes:

1. The district prisons of the borough of Manhattan, in which prisoners are held subject to arraignment in the magistrates' courts and from which they are transferred to the city prison, popularly known as The Tombs. The district prisons are known as the Harlem Prison, the West Fifty-third Street Prison, the East Fifty-seventh Street Prison, Essex Market Prison, and Jefferson Market Prison.

2. The three city prisons—Manhattan, Kings, and Queens. These prisons are intended to house those prisoners awaiting trial by special sessions, indictment by the grand juries, or trial by county courts or general sessions. Under existing conditions, however, it is necessary to transfer to these prisons men who are serving sentences.

3. The third group comprises the institutions in which prisoners serve sentences. These are the penitentiary, the workhouse, the branches of the two institutions at Riker's Island and at Hart's Island, the city reformatory located at Hart's Island, and the New Hampton farm, a country branch at present of the city reformatory.

The administration of the department is in the hands of a commissioner with one deputy. The administrative force numbers only eighteen persons; the department of records and statistics, seven persons; the engineering staff, twenty-four; the storekeeping staff, eighteen. The total force of the department is six hundred and eight. The appropriation for the maintenance of the department for the year 1915 amounts to \$1,312,220.51.

The most interesting group of institutions is the group in which prisoners serve sentences. These institutions are most important to the community as they are to serve either as deterrents to the commission of crime, or better, where possible, for the reformation of the criminal. At this time all these institutions are badly overcrowded. On January 1, 1914, when the present administration took charge of the city, there were in the penal institutions of the city 4602 prisoners. In the latter part of February 1915, we had in our care 7467 prisoners, an increase of over fifty per cent. During the same period there was practically no increase in the accommodation for the prisoners, and an increase of less than four per cent in the number of persons to care for them. The

difficulties and dangers of such a situation are obvious. In the workhouse at Blackwell's Island we have had more than 1800 prisoners. As many as 730 women have occupied quarters designed for 150. At the penitentiary the population has passed the 1800 mark, and even after the removal of the women to Queens the penitentiary has not been able to accommodate in cells all the men sentenced there, even with the relief afforded by transfers to the other institutions of the department. This crowded condition has been due not alone to the increase in the actual number of commitments but to the increased length of sentence.

Under these conditions it has been only by the greatest devotion to duty on the part of wardens, keepers, matrons and other employes that a very serious condition of affairs has not resulted. The employes of the department are entitled to the highest possible credit. We are fully aware, far more so than any outside critics can possibly be, of the shortcomings of the department; but in criticizing, the public is asked to remember the difficult conditions under which we have been obliged to do our work for the last year—the inadequacy of the buildings, the lack of proper equipment to give employment, the strain put upon the employes through the great additional work, the difficulty of securing funds necessary even to feed and clothe properly. Nevertheless, the outlook is not hopeless. We have, we believe, mastered the situation sufficiently to be able to outline a plan, which, if it can be followed through, will greatly improve existing conditions.

It is an accepted principle of modern penology that society is best served by the reform of offenders, and that where this is not possible, society should be protected by the custodial care of its enemies. To secure reform, certain fundamentals are necessary—proper housing conditions, not in luxurious quarters, but with plenty of air and sunshine; proper sanitation; opportunity for classification; a chance to develop self-control and initiative on the part of the prisoners; and above all, opportunity for educational training, where it is needed, industrial training and occupation, and the awakening of the spiritual faculties. These cannot, of course, be given fully under existing conditions. In the first place, most of the buildings of the department are old and

should be condemned, if for nothing else, on account of their lack of sanitation. In this connection, I would say that the department of health has been requested to make and is making a complete survey of the one hundred and ninety buildings belonging to the department. As soon as this survey has been completed, a report will be made which will enable us to know exactly where we stand and will make it possible for us to lay before the public an authoritative statement as to the needs of our department in this direction.

The labor problem is probably the one which is most difficult to solve. The question is continually asked as to why industries cannot be conducted on a paying basis just as private industries are conducted. Why cannot penal institutions be made self-supporting? More than this, why is it not possible to pay a fair wage, if not a standard union wage, to prisoners who can and do do the work of the industrial departments? The reasons are not far to seek.

First, a market. In accordance with the constitution of New York state this can be found only in city institutions and city departments. We can place absolutely nothing on the open market. Other city institutions and other city departments do not want our wares unless they equal in quality goods at the same price which can be bought in the open market. The proposition works both ways. It has not been possible in the past for the city to afford modern machinery. Without modern machinery it has been impossible to produce articles of the first quality. It has seemed to be a vicious circle. A private manufacturer, who installs expensive machinery, must use it up to capacity to make it pay. He cannot afford to have it lie idle. In modern industry, machine work is large in proportion to hand labor. It must be to be profitable. In prisons hand labor has always borne a large proportion to machine work. At the present moment our neighboring state of Pennsylvania is attempting to replace a law which absolutely forbids the use of power machines and which permits only thirty-five per cent of the prisoners to be used in productive labor, by a law in vogue in New York state whereby the labor of all prisoners may be employed under the "state use" plan.

Second, on the side of labor, there are no special reasons short of passing the time why prisoners should work and work well.

So far as New York city institutions are concerned, no premium is placed upon faithfulness or skill in the shops. The man who idles, dislikes his work, wastes materials, is on the same level as the man who does efficient work. Human nature is much the same in prison as out of it. Perhaps most of us would not do much if there were not some incentive as a reward for application. One of the reasons why modern penologists are advocating farm colonies for penal institutions is the greater opportunities for the employment of labor in ways that will be productive. To help us solve the problem of prison labor on the side of the labor itself, a bill has been introduced at Albany which we hope will become a law. This bill provides for the introduction of an indeterminate sentence and parole system for the workhouse and penitentiary. If it becomes a law, the bill will enable us to reward faithful service, if not with money, at least with what is as valuable to the prisoner as money, and that is time off. With this lever we believe we can secure effective work in the shops. The passage of the bill will be the first great important step in our plan for the reorganization of our department.¹

Plan for Reorganization

In planning reorganization, the vital points are the necessary changes in the organization and administration of the three institutions with their branches in which sentences are served. The penitentiary and workhouse proper are located on Blackwell's Island. On this island are three of the great charitable institutions of the city—the city hospital, the city home, and the metropolitan hospital. Our two institutions each lie between two of the charitable institutions. Jurisdiction over the island is divided between the department of charities and the department of correction. We have practically no grounds surrounding either institution. We can give little outdoor work or outdoor exercise to the prisoners—practically none to the seven or eight hundred women at the workhouse. We desire to remove both these institutions from Blackwell's Island, giving over the entire island to our sister department, which would welcome our departure.

¹ At this date, April 30, the bill has passed, has been signed by the mayors of the three first-class cities, and is now waiting the governor's signature.

We have already begun to prepare for the removal of the workhouse. At Riker's Island we have four hundred acres of ground, most of it made by the deposits from the street cleaning department. The soil is fertile, and we are told is admirably adapted to intensive truck gardening. With inmate labor we are building simple wooden dormitories on solid concrete foundations which later on can be used for a more permanent type of buildings. These dormitories will accommodate about one hundred fifty men each. They have been built entirely by prison labor, costing about half what they would have cost had they been built by contract. One such building is already completed and another will be completed within a week or ten days. Before next winter we expect to be able to accommodate on the island one thousand workhouse men. In addition to the wooden dormitories, we are building a cell house to accommodate the men who do not prove good citizens in a community life.

It is our intention to employ prisoners during the first years of occupation in preparing the land for farming operations. The refuse contains broken bottles, tin cans, and other matter foreign to farming operations. This is to be removed by means of sifting. This work will employ a large number of men, and when the ground is prepared several hundred can be profitably employed for a good part of the year. Industrial occupation will have to be provided for the remainder of the men and for all during the winter months. Such plans are already under way, but are not yet in shape to be made public. Ultimately, we hope to provide quarters on Riker's Island for all the men prisoners of the workhouse at a cost of only a small part of the \$4,000,000 which a few years ago it was planned to spend for the penitentiary, and for which \$80,000 was actually spent in architect's plans afterward abandoned.

For the sentenced women of the department of correction, we hope to secure a farm colony outside of the city limits. Here we will build a cottage type of institution, thus making classification possible. The purchase of this land is the only land which we shall have to ask the city to buy in order to carry out our plan. In this colony we will place the women sentenced both to the workhouse and to the penitentiary. In character there is little to choose between them. The passage of the Hoff-Mills bill will make it

possible for us to hold the repeaters for a maximum of two years, if desirable, and to send them out under the supervision of parole officers.

The plans for the development of the New York city reformatory for male misdemeanants at New Hampton are well under way. A colony of about fifty young men has been there for the past year and these young men have done much toward getting the land under cultivation. Last summer the value of the crops more than met the expenses of the experiment. An appropriation has been made to erect permanent buildings, and the construction engineer has been engaged as well as instructors in the various mechanical industries. They are already on the grounds. A construction camp is in progress and within the next month we expect to have more than one hundred of the young men at Hart's Island transferred to the farm for the purpose of beginning the erection of the permanent plant. Before the end of our administration, we hope to be able to transfer the entire five hundred young men, thus leaving Hart's Island ready for the next step in the development of the department, which will be the building of an industrial penitentiary on Hart's Island.

Hart's Island is too small to be used as an agricultural colony, as it contains only about eighty acres; but there is ample room for a penitentiary of the type we propose. It will be necessary to develop our industries and add to their number. This will mean a determination of what industries can be found whose products can be used in the city government. Already such studies are under way. A plan outlining the proposed development with its probable cost has already been presented to the mayor and the board of estimate and apportionment. It is our great ambition to proceed so far with this plan during the present administration as to make its carrying out to completion at least a probability.

The physical development of the department is less important than the spiritual. Along with relief from overcrowding, with sanitary conditions and opportunity for educational and industrial training, must come opportunities for development of character, self-restraint and self-direction. It is our belief that these opportunities will come through the development of the personnel of the department. We believe that there is a desire for improvement

on the part of the majority of the prison employees. It is exhibited in many quiet and unspectacular ways. It is not easy nor can it be done quickly, but by encouraging all the good material, by the replacing of the material incapable of development or undesirable of it, by careful selection of people not only with training but with ideals, we believe we are in the way of a steady development of the department toward the essentials of modern penological theory. My personal experiences of thirteen years of work at the New York state reformatory for women at Bedford with women who have broken the law have proved to me the value of experiment with methods of organization, discipline and self-government, but conditions in a new institution under one's personal supervision are quite different from those in a department controlling varied institutions with century-old traditions. On taking charge of the department on January 1, 1914, I realized that many changes were desirable and set about at once to survey the situation, to determine a policy and to plan out our course. To this plan we are steadfastly adhering. We are willing to experiment, but we believe in experimenting slowly and without incurring dangers which come from a too great impatience with difficult conditions, and too great anxiety for improvement more rapid than is warranted by the human and physical machinery at our command. If new wine is poured too rapidly into old bottles we know the consequences. We believe in progress toward the highest ideals attainable, but we believe in making it in a sane and sure fashion which is the surest road to permanent success.